

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by  
5 adding Sections 25-80 and 25-85 as follows:

6 (30 ILCS 500/25-80 new)

7 Sec. 25-80. Government contracts. Each chief procurement  
8 officer may authorize, when in the best interest of the State,  
9 a State agency to procure supplies and services, including but  
10 not limited to technology supplies and services, without any  
11 method of source selection otherwise required by this Code,  
12 from a vendor with a current contract with an Illinois  
13 municipality of 500,000 or more population. The intended  
14 contract must have been let pursuant to competitive selection  
15 procedures reasonably comparable to procedures used by the  
16 State of Illinois. The purchase must be for substantially  
17 similar supplies or services and under the same or better terms  
18 and conditions. Details of the determination and intent to use  
19 the municipality's contract shall be published in the  
20 appropriate volume of the Illinois Procurement Bulletin for a  
21 period of 14 days prior to execution of the new contract to  
22 allow for a challenge period to the determination of best  
23 interest. Contracts resulting from this process shall contain

1 all statutory provisions required by Illinois law and rule.

2 (30 ILCS 500/25-85 new)

3 Sec. 25-85. Cooperative purchasing. Each chief procurement  
4 officer may authorize, when in the best interest of the State,  
5 without any method of source selection otherwise required by  
6 this Code, a State agency to enter into agreements with other  
7 State governmental entities, or consortia of other State  
8 governmental entities, for the purpose of jointly procuring  
9 supplies and services. The State of Illinois may act as the  
10 lead or as a participant in such agreements. All solicitations  
11 and awards resulting from any cooperative purchasing agreement  
12 shall be published in the appropriate volume of the Illinois  
13 Procurement Bulletin in compliance with current solicitation,  
14 protest, and award publication requirements. Contracts  
15 resulting from cooperative purchasing agreements shall contain  
16 all statutory provisions required by Illinois law and rule. The  
17 State procuring agency shall ensure Illinois distributors  
18 participate to the maximum extent practicable.

19 Section 10. The Business Enterprise for Minorities,  
20 Females, and Persons with Disabilities Act is amended by  
21 changing Section 2 as follows:

22 (30 ILCS 575/2) (from Ch. 127, par. 132.602)

23 (Section scheduled to be repealed on September 6, 2008)

1           Sec. 2. Definitions.

2           (A) For the purpose of this Act, the following terms shall  
3 have the following definitions:

4           (1) "Minority person" shall mean a person who is a citizen  
5 or lawful permanent resident of the United States and who is:

6                 (a) African American (a person having origins in any of  
7 the black racial groups in Africa);

8                 (b) Hispanic (a person of Spanish or Portuguese culture  
9 with origins in Mexico, South or Central America, or the  
10 Caribbean Islands, regardless of race);

11                (c) Asian American (a person having origins in any of  
12 the original peoples of the Far East, Southeast Asia, the  
13 Indian Subcontinent or the Pacific Islands); or

14                (d) Native American or Alaskan Native (a person having  
15 origins in any of the original peoples of North America).

16           (2) "Female" shall mean a person who is a citizen or lawful  
17 permanent resident of the United States and who is of the  
18 female gender.

19           (2.05) "Person with a disability" means a person who is a  
20 citizen or lawful resident of the United States and is a person  
21 qualifying as being disabled under subdivision (2.1) of this  
22 subsection (A).

23           (2.1) "Disabled" means a severe physical or mental  
24 disability that:

25                 (a) results from:  
26                     amputation,

1           arthritis,  
2           autism,  
3           blindness,  
4           burn injury,  
5           cancer,  
6           cerebral palsy,  
7           cystic fibrosis,  
8           deafness,  
9           head injury,  
10          heart disease,  
11          hemiplegia,  
12          hemophilia,  
13          respiratory or pulmonary dysfunction,  
14          mental retardation,  
15          mental illness,  
16          multiple sclerosis,  
17          muscular dystrophy,  
18          musculoskeletal disorders,  
19          neurological disorders, including stroke and epilepsy,  
20          paraplegia,  
21          quadriplegia and other spinal cord conditions,  
22          sickle cell anemia,  
23          specific learning disabilities, or  
24          end stage renal failure disease; and  
25          (b) substantially limits one or more of the person's major  
26          life activities.

1 Another disability or combination of disabilities may also  
2 be considered as a severe disability for the purposes of item  
3 (a) of this subdivision (2.1) if it is determined by an  
4 evaluation of rehabilitation potential to cause a comparable  
5 degree of substantial functional limitation similar to the  
6 specific list of disabilities listed in item (a) of this  
7 subdivision (2.1).

8 (3) "Minority owned business" means a business concern  
9 which is at least 51% owned by one or more minority persons, or  
10 in the case of a corporation, at least 51% of the stock in  
11 which is owned by one or more minority persons; and the  
12 management and daily business operations of which are  
13 controlled by one or more of the minority individuals who own  
14 it.

15 (4) "Female owned business" means a business concern which  
16 is at least 51% owned by one or more females, or, in the case of  
17 a corporation, at least 51% of the stock in which is owned by  
18 one or more females; and the management and daily business  
19 operations of which are controlled by one or more of the  
20 females who own it.

21 (4.1) "Business owned by a person with a disability" means  
22 a business concern that is at least 51% owned by one or more  
23 persons with a disability and the management and daily business  
24 operations of which are controlled by one or more of the  
25 persons with disabilities who own it. A not-for-profit agency  
26 for persons with disabilities that is exempt from taxation

1 under Section 501 of the Internal Revenue Code of 1986 is also  
2 considered a "business owned by a person with a disability".

3 (4.2) "Council" means the Business Enterprise Council for  
4 Minorities, Females, and Persons with Disabilities created  
5 under Section 5 of this Act.

6 (5) "State contracts" shall mean all State contracts,  
7 funded exclusively with State funds which are not subject to  
8 federal reimbursement, whether competitively bid or negotiated  
9 as defined by the Secretary of the Council and approved by the  
10 Council.

11 "State construction contracts" means all State contracts  
12 entered into by a State agency or State university for the  
13 repair, remodeling, renovation or construction of a building or  
14 structure, or for the construction or maintenance of a highway  
15 defined in Article 2 of the Illinois Highway Code.

16 (6) "State agencies" shall mean all departments, officers,  
17 boards, commissions, institutions and bodies politic and  
18 corporate of the State, but does not include the Board of  
19 Trustees of the University of Illinois, the Board of Trustees  
20 of Southern Illinois University, the Board of Trustees of  
21 Chicago State University, the Board of Trustees of Eastern  
22 Illinois University, the Board of Trustees of Governors State  
23 University, the Board of Trustees of Illinois State University,  
24 the Board of Trustees of Northeastern Illinois University, the  
25 Board of Trustees of Northern Illinois University, the Board of  
26 Trustees of Western Illinois University, municipalities or

1 other local governmental units, or other State constitutional  
2 officers.

3 (7) "State universities" shall mean the Board of Trustees  
4 of the University of Illinois, the Board of Trustees of  
5 Southern Illinois University, the Board of Trustees of Chicago  
6 State University, the Board of Trustees of Eastern Illinois  
7 University, the Board of Trustees of Governors State  
8 University, the Board of Trustees of Illinois State University,  
9 the Board of Trustees of Northeastern Illinois University, the  
10 Board of Trustees of Northern Illinois University, and the  
11 Board of Trustees of Western Illinois University.

12 (8) "Certification" means a determination made by the  
13 Council or by one delegated authority from the Council to make  
14 certifications, or by a State agency with statutory authority  
15 to make such a certification, that a business entity is a  
16 business owned by a minority, female, or person with a  
17 disability for whatever purpose.

18 (9) "Control" means the exclusive or ultimate and sole  
19 control of the business including, but not limited to, capital  
20 investment and all other financial matters, property,  
21 acquisitions, contract negotiations, legal matters,  
22 officer-director-employee selection and comprehensive hiring,  
23 operating responsibilities, cost-control matters, income and  
24 dividend matters, financial transactions and rights of other  
25 shareholders or joint partners. Control shall be real,  
26 substantial and continuing, not pro forma. Control shall

1 include the power to direct or cause the direction of the  
2 management and policies of the business and to make the  
3 day-to-day as well as major decisions in matters of policy,  
4 management and operations. Control shall be exemplified by  
5 possessing the requisite knowledge and expertise to run the  
6 particular business and control shall not include simple  
7 majority or absentee ownership.

8 (10) "Business concern or business" means a business that  
9 has average annual gross sales over the 3 most recent calendar  
10 years of less than \$31,400,000 as evidenced by the federal  
11 income tax return of the business. Each July 1 this cap shall  
12 be adjusted for inflation as determined by the Consumer Price  
13 Index for All Urban Consumers as determined by the United  
14 States Department of Labor and rounded to the nearest \$100. A  
15 firm with gross sales in excess of this cap may apply to the  
16 Council for certification for a particular contract if the firm  
17 can demonstrate that the contract would have significant impact  
18 on businesses owned by minorities, females, or persons with  
19 disabilities as suppliers or subcontractors or in employment of  
20 minorities, females, or persons with disabilities. "Business  
21 concern or business" means a business which has annual gross  
22 sales for the most recent fiscal year of less than \$27,000,000,  
23 except that a firm with gross sales in excess of that amount  
24 may apply to the Council for certification for a particular  
25 contract if the firm can demonstrate that the contract would  
26 have significant impact on businesses owned by minorities,

1 ~~females, or persons with disabilities as suppliers or~~  
2 ~~subcontractors or in employment of minorities, females, or~~  
3 ~~persons with disabilities.~~

4 (B) When a business concern is owned at least 51% by any  
5 combination of minority persons, females, or persons with  
6 disabilities, even though none of the 3 classes alone holds at  
7 least a 51% interest, the ownership requirement for purposes of  
8 this Act is considered to be met. The certification category  
9 for the business is that of the class holding the largest  
10 ownership interest in the business. If 2 or more classes have  
11 equal ownership interests, the certification category shall be  
12 determined by the Department of Central Management Services.

13 (Source: P.A. 92-670, eff. 7-16-02.)